



General Assembly

February Session, 2014

Raised Bill No. 450

LCO No. 2490



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT PERMITTING RELIGIOUS NURSING HOME FACILITIES TO
BE CONSERVATORS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 45a-644 of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2014*):

4 For the purposes of sections 45a-644 to 45a-663, inclusive, the
5 following terms shall have the following meanings:

6 [(a)] (1) "Conservator of the estate" means a person, a municipal or
7 state official, or a private profit or nonprofit corporation except (A) a
8 hospital, (B) a nursing home facility, as defined in section 19a-521,
9 other than a religious nursing home facility, or (C) a residential care
10 home, as defined in section 19a-521, appointed by the Court of Probate
11 under the provisions of sections 45a-644 to 45a-663, inclusive, to
12 supervise the financial affairs of a person found to be incapable of
13 managing his or her own affairs or of a person who voluntarily asks

14 the Court of Probate for the appointment of a conservator of the estate,
15 and includes a temporary conservator of the estate appointed under
16 the provisions of section 45a-654.

17 [(b)] (2) "Conservator of the person" means a person, a municipal or
18 state official, or a private profit or nonprofit corporation, except (A) a
19 hospital or (B) a nursing home facility, as defined in section 19a-521,
20 other than a religious nursing home facility, appointed by the Court of
21 Probate under the provisions of sections 45a-644 to 45a-663, inclusive,
22 to supervise the personal affairs of a person found to be incapable of
23 caring for himself or herself or of a person who voluntarily asks the
24 Court of Probate for the appointment of a conservator of the person,
25 and includes a temporary conservator of the person appointed under
26 the provisions of section 45a-654.

27 [(c)] (3) "Incapable of caring for one's self" or "incapable of caring for
28 himself or herself" means that a person has a mental, emotional or
29 physical condition that results in such person being unable to receive
30 and evaluate information or make or communicate decisions to such
31 an extent that the person is unable, even with appropriate assistance,
32 to meet essential requirements for personal needs.

33 [(d)] (4) "Incapable of managing his or her affairs" means that a
34 person has a mental, emotional or physical condition that results in
35 such person being unable to receive and evaluate information or make
36 or communicate decisions to such an extent that the person is unable,
37 even with appropriate assistance, to perform the functions inherent in
38 managing his or her affairs, and the person has property that will be
39 wasted or dissipated unless adequate property management is
40 provided, or that funds are needed for the support, care or welfare of
41 the person or those entitled to be supported by the person and that the
42 person is unable to take the necessary steps to obtain or provide funds
43 needed for the support, care or welfare of the person or those entitled
44 to be supported by the person.

45 [(e)] (5) "Involuntary representation" means the appointment of a
46 conservator of the person or a conservator of the estate, or both, after a
47 finding by the Court of Probate that the respondent is incapable of
48 managing his or her affairs or incapable of caring for himself or herself.

49 [(f)] (6) "Respondent" means an adult person for whom an
50 application for involuntary representation has been filed or an adult
51 person who has requested voluntary representation.

52 [(g)] (7) "Voluntary representation" means the appointment of a
53 conservator of the person or a conservator of the estate, or both, upon
54 request of the respondent, without a finding that the respondent is
55 incapable of managing his or her affairs or incapable of caring for
56 himself or herself.

57 [(h)] (8) "Conserved person" means a person for whom involuntary
58 representation is granted under sections 45a-644 to 45a-663, inclusive.

59 [(i)] (9) "Personal needs" means the needs of a person including, but
60 not limited to, the need for food, clothing, shelter, health care and
61 safety.

62 [(j)] (10) "Property management" means actions to (1) obtain,
63 administer, manage, protect and dispose of real and personal property,
64 intangible property, business property, benefits and income, and (2)
65 deal with financial affairs.

66 [(k)] (11) "Least restrictive means of intervention" means
67 intervention for a conserved person that is sufficient to provide, within
68 the resources available to the conserved person either from the
69 conserved person's own estate or from private or public assistance, for
70 a conserved person's personal needs or property management while
71 affording the conserved person the greatest amount of independence
72 and self-determination.

73 (12) "Religious nursing home facility" means a nursing home facility

74 that is operated exclusively by and for a religious order that is
75 committed to the care and well-being of its members for the duration
76 of their lives and whose members are bound to such order by the
77 profession of permanent vows.

78 Sec. 2. Subsection (h) of section 45a-650 of the general statutes is
79 repealed and the following is substituted in lieu thereof (*Effective*
80 *October 1, 2014*):

81 (h) The respondent or conserved person may appoint, designate or
82 nominate a conservator pursuant to section 19a-580e, 19a-580g or 45a-
83 645, or may, orally or in writing, nominate a conservator who shall be
84 appointed unless the court finds that the appointee, designee or
85 nominee is unwilling or unable to serve or there is substantial evidence
86 to disqualify such person. If there is no such appointment, designation
87 or nomination or if the court does not appoint the person appointed,
88 designated or nominated by the respondent or conserved person, the
89 court may appoint any qualified person, authorized public official or
90 corporation in accordance with [subsections (a) and (b)] subdivisions
91 (1) and (2) of section 45a-644, as amended by this act. In considering
92 whom to appoint as conservator, the court shall consider (1) the extent
93 to which a proposed conservator has knowledge of the respondent's or
94 conserved person's preferences regarding the care of his or her person
95 or the management of his or her affairs, (2) the ability of the proposed
96 conservator to carry out the duties, responsibilities and powers of a
97 conservator, (3) the cost of the proposed conservatorship to the estate
98 of the respondent or conserved person, (4) the proposed conservator's
99 commitment to promoting the respondent's or conserved person's
100 welfare and independence, and (5) any existing or potential conflicts of
101 interest of the proposed conservator.

102 Sec. 3. Section 45a-652 of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2014*):

104 In the case of any application for the appointment of a conservator

105 of the estate, as said terms are defined in section 45a-644, as amended
106 by this act, and, in the case of any application for involuntary
107 representation, as defined in [subsection (d)] subdivision (4) of section
108 45a-644, as amended by this act, the application shall state that the
109 respondent, as defined in [subsection (e)] subdivision (5) of section
110 45a-644, as amended by this act, either is or is not, receiving such aid
111 or care from the state, whichever is true, and a copy of each application
112 which states the respondent is receiving such aid or care shall be sent
113 by the court to the Commissioner of Administrative Services, in
114 accordance with the provisions of subsection (a) of section 45a-649 or
115 section 45a-646, as the case may be.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	45a-644
Sec. 2	<i>October 1, 2014</i>	45a-650(h)
Sec. 3	<i>October 1, 2014</i>	45a-652

Statement of Purpose:

To permit a religious order that operates a religious nursing home facility to serve as the conservator of any member of the religious order who is a patient at such nursing home.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]